

**IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI  
COURT OF APPEALS OF THE STATE OF MISSISSIPPI**

**MARION O' BRYAN STRICKLAND**

**APPELLANT**

**V.**

**CAUSE NO. 2014-KA-01697-COA**

**STATE OF MISSISSIPPI**

**APPELLEE**

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**APPELLANT'S  
RECORD EXCERPTS**

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**ATTORNEYS FOR APPELLANT**

## **TABLE OF CONTENTS**

Tab

TRIAL COURT DOCKET.....	1
TRIAL, VERDICT OF THE JURY, CONTINUED FOR SENTENCING.....	2
SENTENCING ORDER.....	3
DENIAL OF POST-TRIAL MOTIONS AND SENTENCE OF THE COURT.....	4
TRANSCRIPT OF BENCH RULING ON DISCHARGE OF TRIAL COUNSEL.....	5
TRANSCRIPT OF BENCH RULING ON ADMISSIBILITY OF PRIOR BAD ACTS.....	6
CERTIFICATE OF SERVICE.....	7
CERTIFICATE OF FILING.....	8

# **Record Excerpt 1**

IN THE CIRCUIT COURT OF PANOLA COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

MARION O'BRYAN STRICKLAND

PLAINTIFF

VS.

CR2013-89SMP2

STATE OF MISSISSIPPI

DEFENDANT

CLERK'S INDEX OF PAPERS

ITEM	PAGE
DOCKET	1
INDICTMENT	6
BOND	8
WAIVER OF ARRAIGNMENT AND ENTRY OF PLEA	11
CAPIAS	10
PLEA AGREEMENT	11
MOTION FOR LEAVE TO WITHDRAW AS ATTORNEY	12
MOTION IN LIMINE TO SUPPRESS AUDIO INTERVIEW	14
MOTION IN LIMINE ON INTRODUCTION OF TEXT MESSAGES	17
MOTION TO DISMISS INDICTMENT	20
MOTION TO INVOKE THE RULE PRIOR TO VOIR DIRE AND TO SEQUESTER WITNESSES SEPARATELY	22
MOTION FOR FULL RECORDATION OF PROCEEDINGS	24
ORDER GRANTING MOTION FOR FULL RECORDATION OF PROCEEDINGS	27
ORDER GRANTING MOTION TO INVOKE THE RULE PRIOR TO VOIR DIRE AND TO SEQUESTER WITNESSES SEPARATELY	28
JURY INSTRUCTION #1	29

JURY INSTRUCTION #2	32
JURY INSTRUCTION #3	33
JURY INSTRUCTION #4	34
JURY INSTRUCTION #5	35
JURY INSTRUCTION #6	36
JURY INSTRUCTION #7	37
JURY INSTRUCTION #8	38
JURY INSTRUCTION #9	39
JURY INSTRUCTION, WITHDRAWN	40
JURY INSTRUCTION #10	41
JURY INSTRUCTION #10	42
JURY INSTRUCTION #11	43
JURY INSTRUCTION #12	44
JURY INSTRUCTION #13	45
JURY INSTRUCTION #14	46
JURY INSTRUCTION #15	47
INSTRUCTION, DENIED	49
INSTRUCTION, WITHDRAWN	50
INSTRUCTION, WITHDRAWN	51
INSTRUCTION, WITHDRAWN	52
JURY INSTRUCTION, DENIED	53
JURY INSTRUCTION, WITHDRAWN	54
JURY INSTRUCTION, DENIED AS AMENDED	55
INSTRUCTION, WITHDRAWN	57
JURY INSTRUCTION, WITHDRAWN	58
JURY INSTRUCTION, DENIED	60
WE HAVE REACHED A VERDICT	61
WE, THE JURY, FIND THE DEFENDANT GUILTY, AS CHARGED	62
EXHIBIT LISTS	63

TRIAL, VERDICT OF THE JURY, CONTINUED FOR SENTENCING	66
MOTION FOR PRESENTENCING INVESTIGATION	68
MOTION FOR A JUDGMENT OF ACQUITTAL NOTWITHSTANDING THE VERDICT, IN THE ALTERNATIVE, A MOTION FOR A NEW TRIAL	71
ORDER RESETTING SENTENCING HEARING	73
SENTENCING ORDER	74
PRE-POST SENTENCE INVESTIGATION	78
EXHIBIT 2	101
EXHIBIT 3	102
EXHIBIT 4	108
CRIMINAL DISPOSITION	123
DENIAL OF POST-TRIAL MOTIONS AND SENTENCE OF THE COURT	130
SECOND CRIMINAL DISPOSITION	133
MOTION TO RECONSIDER SENTENCE	144
ORDER DENYING MOTION TO RECONSIDER SENTENCE	147

This appeal transcript consists of ONE (1) Volume of \_\_\_ clerk's papers, \_\_\_ volumes of court reporter's transcripts and \_\_\_ folder of exhibits.  
Total Number of Volumes: \_\_\_\_\_

**PANOLA CO - 2ND DISTRICT**

**Cause Number: CR2013-89SMP2**

**Docket Page**

**PLAINTIFF ATTORNEY(S) STATE OF MISSISSIPPI**  
**HALE, JR JAMES S**

**V.S.**

**MARION O'BRYAN STRICKLAND**

**DEFENDANT ATTORNEY(S)**  
**WALKER, RANDOLPH**  
**605 FILLMORE ST**  
**P O BOX 1492**  
**CORINTH, MS 388381492**

**Name:** MARION O'BRYAN STRICKLAND **DOB:** 07/30/1988 **Arrest Date:** **Time:**  
**Counts:** 3 **Date** 01/26/2013 **Violation** 97-5-33(7) **ENTICEMENT OF A CHILD UNDER 18 YRS OF AGE**  
**Classification** **Complimentary**  
**Cause Number:** CR2013-89SMP2

<b>Date Entered</b>	<b>Book/Page</b>	<b>PLEADINGS, EXHIBITS, ORDERS FILED, DISPOSITION, ETC.</b>
08/19/2013	0	Criminal Case Filed STATE STATUTES on 06/26/2013.
08/19/2013	0	Judge MURPHEY, V SMITH assigned.
08/19/2013	0	Attorney HALE, JR JAMES S Added for PLA STATE OF MISSISSIPPI
08/19/2013	0	Violation 97-5-33(7) ENTICEMENT OF A CHILD UNDER 18 YRS OF AGE Added for MARION O'BRYAN STRICKLAND
08/19/2013	0	Violation 97-5-33(7) ENTICEMENT OF A CHILD UNDER 18 YRS OF AGE Added for MARION O'BRYAN STRICKLAND
08/19/2013	0	Violation 97-5-33(7) ENTICEMENT OF A CHILD UNDER 18 YRS OF AGE Added for MARION O'BRYAN STRICKLAND
08/19/2013	0	INDICTMENT
08/19/2013	0	CAPIAS ISSUED W/CC OF INDICTMENT TO SHERIFF FOR SERVICE
08/20/2013	0	Bail/Bond of \$20,000.00 posted on 02/19/2013 for DEF MARION STRICKLAND by ALRIGHT BAIL BONDS.
10/11/2013	0	LETTER FROM CCA LENTZ TO BONDING COMPANY
10/21/2013	0	ENTRY OF APPEARANCE
10/22/2013	0	WAIVER OF ARRAIGNMENT AND ENTRY OF PLEA
10/22/2013	0	CAPIAS RETURNED SHOWING SERVICE ON 10/22/2013
10/25/2013	0	MOTION FOR DISCOVERY- STRICKLAND
11/04/2013	0	PRETRIAL SCHEDULING ORDER
12/20/2013	0	RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY
01/08/2014	0	#1 SUPPLEMENTAL RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY
02/10/2014	147 74	FINAL ORDER TO CONTINUE
03/13/2014	147 294	FINAL ORDER TO CONTINUE
05/16/2014	0	#2 SUPPLEMENTAL RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY
05/27/2014	148 430	ORDER TO CONTINUE
05/27/2014	148 430	ORDER TO CONTINUE ( AUGUST 4 FOR TRIAL)
07/25/2014	0	REQUEST FOR SUBPOENAS
07/25/2014	0	Subpoena issued on 07/25/2014 to PANOLA County for Tim Douglas to appear on 08/04/2014 as a witness for STATE OF MISSISSIPPI Notes:
07/25/2014	0	Subpoena issued on 07/25/2014 to PANOLA County for Bill McGee to appear on 08/04/2014 as a witness for STATE OF MISSISSIPPI Notes:

**Cause Number: CR2013-89SMP2**

<b>Date Entered</b>	<b>Book/Page</b>	<b>PLEADINGS, EXHIBITS, ORDERS FILED, DISPOSITION, ETC.</b>
07/25/2014	0	Subpoena issued on 07/25/2014 to PANOLA County for Matt Jones to appear on 08/04/2014 as a witness for STATE OF MISSISSIPPI Notes:
07/25/2014	0	Subpoena issued on 07/25/2014 to PANOLA County for Bradley Taylor to appear on 08/04/2014 as a witness for STATE OF MISSISSIPPI Notes:
07/25/2014	0	Subpoena issued on 07/25/2014 to PANOLA County for Landon Fullilove to appear on 08/04/2014 as a witness for STATE OF MISSISSIPPI Notes:
07/25/2014	0	Subpoena issued on 07/25/2014 to PANOLA County for George Williford to appear on 08/04/2014 as a witness for STATE OF MISSISSIPPI Notes:
07/25/2014	0	Subpoena issued on 07/25/2014 to PANOLA County for Kyle Weaver to appear on 08/04/2014 as a witness for STATE OF MISSISSIPPI Notes:
07/25/2014	0	Subpoena issued on 07/25/2014 to PANOLA County for Hunter Durham to appear on 08/04/2014 as a witness for STATE OF MISSISSIPPI Notes:
07/25/2014	0	Subpoena issued on 07/25/2014 to PANOLA County for Hunter Bryant to appear on 08/04/2014 as a witness for STATE OF MISSISSIPPI Notes:
07/25/2014	0	Subpoena issued on 07/25/2014 to PANOLA County for Hunter Durham to appear on 08/04/2014 as a witness for STATE OF MISSISSIPPI Notes:
07/25/2014	0	Subpoena issued on 07/25/2014 to County for to appear on as a witness for STATE OF MISSISSIPPI Notes:
07/25/2014	0	Subpoena issued on 07/25/2014 to PANOLA County for DeAnn Scott to appear on 08/04/2014 as a witness for STATE OF MISSISSIPPI Notes:
07/25/2014	0	Subpoena issued on 07/25/2014 to PANOLA County for Tays Hardy to appear on 08/04/2014 as a witness for STATE OF MISSISSIPPI Notes:
07/29/2014	0	COURT REPORTERS COST BILL STATUS HEARING \$28.80
07/29/2014	0	A/R account 9461 created for MARION O'BRYAN STRICKLAND .
07/29/2014	0	EXHIBIT I- UNSIGNED PLEA AGREEMENT SET FOR TRIAL ON 08/04/2014
07/30/2014	0	Subpoena for DeAnn Scott Executed on 07/28/2014
07/30/2014	0	Subpoena for Matt Jones Executed on 07/28/2014
07/30/2014	0	Subpoena for Bill McGee Executed on 07/28/2014
07/30/2014	0	Subpoena for Tays Hardy Executed on 07/28/2014
07/30/2014	0	Subpoena for Tim Douglas Executed on 07/28/2014
07/30/2014	0	Subpoena for George Williford Executed on 07/28/2014
07/30/2014	0	Subpoena for Landon Fullilove Executed on 07/28/2014
07/30/2014	0	Subpoena for Hunter Bryant Executed on 07/28/2014
07/30/2014	0	Subpoena for Hunter Durham Executed on 07/28/2014
07/30/2014	0	Subpoena for Chris Durham Executed on 07/28/2014
07/30/2014	0	Subpoena for Kyle Weaver Executed on 07/28/2014
08/04/2014	0	STATUS CONFERENCE TRANSCRIPT
08/06/2014	149 387	FINAL ORDER TO CONTINUE
08/25/2014	0	MOTION FOR LEAVE TO WITHDRAW AS ATTORNEY FOR DEFENDANT
09/25/2014	0	REQUEST FOR SUBPOENAS FOR TRIAL 10/13/2014
09/26/2014	0	Subpoena issued on 09/26/2014 to PANOLA County for Tim Douglas to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:
09/26/2014	0	Subpoena issued on 09/26/2014 to PANOLA County for Bill McGee to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:
09/26/2014	0	Subpoena issued on 09/26/2014 to PANOLA County for Matt Jones to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:



Cause Number: CR2013-89SMP2

<i>Date Entered</i>	<i>Book/Page</i>	<i>PLEADINGS, EXHIBITS, ORDERS FILED, DISPOSITION, ETC.</i>
09/26/2014	0	Subpoena issued on 09/26/2014 to PANOLA County for Bradley Taylor to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:
09/26/2014	0	Subpoena issued on 09/26/2014 to PANOLA County for Landon Fullilove to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:
09/26/2014	0	Subpoena issued on 09/26/2014 to PANOLA County for George Williford to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:
09/26/2014	0	Subpoena issued on 09/26/2014 to PANOLA County for Kyle Weaver to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:
09/26/2014	0	Subpoena issued on 09/26/2014 to PANOLA County for HUNTER DURHAM to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:
09/26/2014	0	Subpoena issued on 09/26/2014 to PANOLA County for HUNTER BRYANT to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:
09/26/2014	0	Subpoena issued on 09/26/2014 to PANOLA County for CHRIS DURHAM to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:
09/26/2014	0	Subpoena issued on 09/26/2014 to PANOLA County for DEANN SCOTT to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:
09/26/2014	0	Subpoena issued on 09/26/2014 to PANOLA County for TAYS HARDY to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:
10/01/2014	0	Subpoena for Tim Douglas Executed on 09/30/2014
10/01/2014	0	Subpoena for George Williford Executed on 09/30/2014
10/01/2014	0	Subpoena for TAYS HARDY Executed on 09/30/2014
10/01/2014	0	COURT REPORTER'S COST BILL MOTION TO WITHDRAW AS COUNSEL- DENIED
10/07/2014	0	Subpoena for DEANN SCOTT Executed on 10/03/2014
10/07/2014	0	Subpoena for Matt Jones Executed on 10/03/2014
10/07/2014	0	Subpoena for Kyle Weaver Executed on 10/03/2014
10/07/2014	0	Subpoena for Landon Fullilove Executed on 10/07/2014
10/07/2014	0	Subpoena for Landon Fullilove Executed on 10/03/2014
10/07/2014	0	Subpoena for Bill McGee Executed on 10/07/2014
10/08/2014	0	REQUEST FOR SUBPOENAS
10/08/2014	0	Subpoena issued on 10/08/2014 to PANOLA County for BRIADEN SCOTT to appear on 10/13/2014 as a witness for STATE OF MISSISSIPPI Notes:
10/09/2014	0	#3 SUPPLEMENTAL RESPONSE TO DEFENDANT'S MOTION FOR DISCOVERY
10/09/2014	0	REQUEST FOR SUBPOENAS FROM DEFENSE
10/09/2014	0	Subpoena issued on 10/09/2014 to PANOLA County for ANN WALKER to appear on 10/13/2014 as a witness for MARION O'BRYAN STRICKLAND Notes:
10/09/2014	0	Subpoena issued on 10/09/2014 to PANOLA County for JUSTIN ARMSTEAD to appear on 10/13/2014 as a witness for MARION O'BRYAN STRICKLAND Notes:
10/09/2014	0	Subpoena issued on 10/09/2014 to PANOLA County for BRENDA TAYLOR to appear on 10/13/2014 as a witness for MARION O'BRYAN STRICKLAND Notes:
10/09/2014	0	Subpoena issued on 10/09/2014 to PANOLA County for STEPHANIE WALES to appear on 10/13/2014 as a witness for MARION O'BRYAN STRICKLAND Notes:
10/09/2014	0	Subpoena issued on 10/09/2014 to PANOLA County for BROOKE TAYLOR to appear on 10/13/2014 as a witness for MARION O'BRYAN STRICKLAND Notes:
10/09/2014	0	Subpoena issued on 10/09/2014 to PANOLA County for DR. RUTHA CARR to appear on as a witness for MARION O'BRYAN STRICKLAND Notes:
10/10/2014	0	Subpoena for BRENDA TAYLOR Executed on 10/10/2014
10/10/2014	0	Subpoena for BROOKE TAYLOR Executed on 10/10/2014

Cause Number: CR2013-89SMP2

<i>Date Entered</i>	<i>Book/Page</i>	<i>PLEADINGS, EXHIBITS, ORDERS FILED, DISPOSITION, ETC.</i>
10/10/2014	0	Subpoena for ANN WALKER Executed on 10/10/2014
10/10/2014	0	Subpoena for JUSTIN ARMSTEAD Executed on 10/10/2014
10/13/2014	0	MOTION IN LIMINE TO SUPPRESS AUDIO INTERVIEW TAKEN AT THE BATESVILLE POLICE DEPT ON OCTOBER 23,24,2012 WITH DEFENDANT
10/13/2014	0	MOTION IN LIMINE ON INTRODUCTION OF TEXT MESSAGES
10/13/2014	0	MOTION TO DISMISS INDICTMENT
10/13/2014	0	MOTION TO INVOKE THE RULE PRIOR TO VOIR DIRE AND TO DEQUESTER WITNESS SEPARATELY
10/13/2014	0	MOTION FOR FULL RECORDATION OF PROCEEDINGS
10/13/2014	0	Subpoena for HUNTER DURHAM Executed on
10/14/2014	0	ORDER GRANTING MOTION FOR FULL RECORDATION OF PROCEEDINGS
10/14/2014	0	ORDER GRANTING MOTION TO INVOKE THE RULE PRIOR TO VOIR DIRE AND TO SEQUESTER WITNESSES SEPARATELY
10/14/2014	0	JURY INSTRUCTIONS- COURT 16 PAGES
10/14/2014	0	EVIDENTIARY HEARING IN LIMINE 2 EXHIBITS MARKED AND RECEIVED 10/13/2014 ( FILED IN EXHIBITS FOLDER )
10/15/2014	0	JURY INSTRUCTIONS- DEFENSE (SCANNED)
10/15/2014	0	Subpoena for STEPHANIE WALES Executed on 10/12/2014
10/15/2014	0	NOTE FROM JURY "WE HAVE REACHED A VERDICT"
10/15/2014	0	JURY NOTE: "WE THE JURY FIND THE DEFENDANT GUILTY AS CHARGED"
10/15/2014	0	EXHIBIT 1 COLOR PHOTO (KEPT IN EXHIBIT FOLDER)
10/15/2014	0	EXHIBIT 2 COLOR PHOTO (KEPT IN EXHIBIT FOLDER)
10/15/2014	0	EXHIBIT 3 COLOR PHOTO OF TEXT MESSAGES (KEPT IN EXHIBIT FOLDER)
10/15/2014	0	EXHIBIT 4 9 PAGES OF COLOR COPIES OF TEXT MESSAGES (KEPT IN EXHIBIT FOLDER)
10/15/2014	0	EXHIBIT 5 BPD MIRANDA WARNINGS AND WAIVER OF RIGHTS (KEPT IN EXHIBIT FOLDER)
10/16/2014	0	COURT REPORTER'S COST BILL FOR TRIAL
10/16/2014	0	EXHIBIT LIST 3 PAGES
10/16/2014	150 337	TRIAL, VERDICT OF THE JURY, CONTINUED FOR SENTENCING
10/21/2014	0	MOTION TO WITHDRAW AS COUNSEL TRANSCRIPT (9/24/2014)
10/23/2014	0	MOTION FOR PRESENTENCING INVESTIGATION
10/27/2014	0	MOTION FOR A JUDGMENT OF ACQUITTAL NOTWITHSTANDING THE VERDIT

Cause Number: CR2013-89SMP2

<i>Date Entered</i>	<i>Book/Page</i>	<i>PLEADINGS, EXHIBITS, ORDERS FILED, DISPOSITION, ETC.</i>
		OR, IN THE ALTERNATIVE, A MOTION FOR A NEW TRIAL
10/28/2014	150 451	ORDER RESETTNG SENTENCING HEARING
11/03/2014	150 454	SENTENCING ORDER PRS
11/03/2014	0	EXHIBIT 1 - PRE-POST SENTENCING INVESTIGATION ( FILED IN DEFENDANT'S FILE )
11/03/2014	0	EXHIBIT 2 - REDUCTION OF BOND ( FILED IN DEFENDANT'S FILE )
11/03/2014	0	EXHIBIT 3 - SUMMARY FROM TIM DOUGLAS, INVESTIGATOR ( FILED IN DEFENDANT'S FILE )
11/03/2014	0	EXHIBIT 4 - LETTERS ( FILED IN DEFENDANT'S FILE )
11/03/2014	0	COURT REPORTER'S COST BILL SENTENCE \$240
11/03/2014	0	Cause CR2013-89SMP2 disposition = Sentence by Judge MURPHEY, V SMITH on 11/3/2014
11/03/2014	0	Count 1 of 97-5-33(7) EXPLOITATION OF A CHILD for MARION O'BRYAN STRICKLAND disposed on 11/3/2014 with Disposition of FOUND GUILTY BY TRIAL VERDICT by MURPHEY, V SMITH
11/05/2014	0	COMMITMENT W/CC TO CMCF-MDOC, AOC, SHERIFF, MDOC PROB, JUSTICE, SEX OFFENDER REGISTRAR, FILE
11/05/2014	150 460	DENIAL OF POST TRIAL MOTIONS AND SENTENCE OF THE COURT ( THIS ENTRY STARTS VOLUME II )
11/05/2014	0	Count 2 of 97-5-33(7) EXPLOITATION OF A CHILD for MARION O'BRYAN STRICKLAND disposed on 11/3/2014 with Disposition of REMANDED TO THE DA'S BAD CHECK UNIT by MURPHEY, V SMITH
11/05/2014	0	Count 3 of 97-5-33(7) EXPLOITATION OF A CHILD for MARION O'BRYAN STRICKLAND disposed on 11/3/2014 with Disposition of REMANDED TO THE FILE by MURPHEY, V SMITH
11/05/2014	0	2ND DISPOSITION FOR CT 2 AND 3 ONLY W/CC TO CMCF-MDOC, AOC, SHERIFF, MDOC PROB, JUSTICE, FILE
11/18/2014	0	MOTION TO RECONSIDER SENTENCE
11/25/2014	150 594	ORDER DENYING MOTION TO RECONSIDER SENTENCE ( CC MAILED TO STATE AND R. WALKER )
12/02/2014	0	MOTION FOR BAIL PENDING APPEAL
12/02/2014	0	Cause CR2013-89SMP2 Appealed McLAUGHLIN LAW FIRM, TUPELO, MS SHANE McLAUGHLIN 101185, NICOLE McLAUGHLIN 101186
12/02/2014	0	NOTICE OF APPEAL

## **Record Excerpt 2**

IN THE CIRCUIT COURT OF PANOLA COUNTY, MISSISSIPPI

SECOND JUDICIAL DISTRICT

STATE OF MISSISSIPPI

VS.

CAUSE NUMBER CR 2013-89-SM(P2)

MARION O'BRYAN STRICKLAND

TRIAL, VERDICT OF THE JURY, CONTINUED FOR SENTENCING

Comes the District Attorney, and comes also the Defendant, MARION

O'BRYAN STRICKLAND, in his own person, and represented by counsel, Honorable

Randolph Walker, and says that he is not guilty of the crime of *Exploitation of a Child,*  
*in violation of MCA § 97-5-33 (7).*

WHEREUPON came a Jury composed of Annie Hilliard, and eleven (11) others,  
all good and lawful citizens of the Second Judicial District of Panola County, Mississippi.

And said Jury, after being duly empaneled and specially sworn on October 13,  
2014, according to law, to try the issues, and thereupon hearing all evidence adduced on  
October 14, 2014 and October 15, 2014, after receiving the Instructions of the Court and  
hearing argument of Counsel on October 15, 2014, retired to consider its verdict, and  
presently returned into open Court with the following verdict:

**"We, the Jury, find the Defendant guilty as charged."**

The Jury was polled, and it was determined that the verdict was unanimous.

66  
150/337

FILED

OCT 16 2014

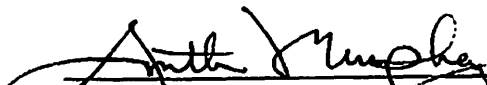
WELISSA WICKHAM  
CLERK OF COURT

**THEREFORE**, upon said verdict of guilty, the Defendant is hereby remanded to the custody of the Sheriff of Panola County, Mississippi, to be held without bond pending further proceedings herein.

The deadline for filing post trial motions is ten (10) days after entry of Judgment.

Sentencing is hereby continued until the 30<sup>th</sup> day of October, 2014.

**SO ORDERED** this the 15<sup>th</sup> day of October, 2014.

  
SMITH MURPHEY  
CIRCUIT COURT JUDGE

67  
150/338

# **Record Excerpt 3**

IN THE CIRCUIT COURT OF Panola COUNTY, MISSISSIPPI  
FOR THE Second JUDICIAL DISTRICT

STATE OF MISSISSIPPI

vs.

CAUSE NUMBER CR 2013-89SMP2

COUNT(S) 1

Marion O'Bryan Strickland

**SENTENCING ORDER  
POST RELEASE SUPERVISION  
(REPORTING & NON-REPORTING)**

The Defendant, Marion O'Bryan Strickland, on this date, came before the Court for sentencing pursuant to a jury verdict to guilty of the charge of Exploitation of a child in violation of Miss. Code Ann. § 97-5-33(7).

The Defendant was represented by Randolph Walker, who was present at all times with the Defendant.

The State of Mississippi was represented by Jay Hale,  
(Assistant) District Attorney.

The Circuit Court, therefore, adjudicates the Defendant guilty of the charge of Exploitation of a Child in violation of Miss. Code Ann. § 97-5-33(7).

IT IS THEREFORE ORDERED that for said offense, the Defendant is hereby sentenced to serve a term of Twenty (20) years incarceration in the Mississippi Department of Corrections.

IT IS FURTHER ORDERED that upon release from the term of incarceration set forth in the preceding paragraph, the said Defendant be and is hereby placed under a term of Twenty (20) years of post release supervision, pursuant to the provisions of Section 47-7-34, M.C.A. in MDOC.

The period of post release supervision shall be served as follows: Five (5) years of reporting post release supervision, and Fifteen (15) years of non-reporting post-release supervision in the MDOC. During the period of reporting post release supervision, the Defendant is hereby placed

150/454  
74

NOV 03 2014  
1



under the supervision of the Mississippi Department of Corrections until the Court in term time, or the Judge in vacation, shall alter, extend, terminate or direct the enforcement of said post release sentence based upon the following terms and conditions: The Defendant shall

1. Report within 24 hours of release from court or incarceration to his/her probation officer;
2. Commit no crimes;
3. Avoid injurious or vicious habits;
4. Avoid persons or places of disreputable or harmful character;
5. Report to the Department of Corrections as directed;
6. Permit the Field Supervisor to visit him at home, work, or elsewhere;
7. Work faithfully at suitable employment so far as possible;
8. Remain within the State of Mississippi unless authorized to leave on proper application therefore;
9. Support his/her dependents;
10. Waive extradition to the State of Mississippi from any state of the United States and also agree that he will not contest any effort by any state to return him to the State of Mississippi and does hereby consent to any such extradition;
11. Not own or carry, possess with him/her any weapons;
12. Pay to the Mississippi Department of Corrections such monthly reporting fees as authorized by the Laws of Mississippi; said fees to be paid monthly by certified check or money order.
13. Not have in his/her possession nor use alcoholic beverages, marijuana, narcotics, or other controlled substances of any kind and not go into, remain about or frequent places where they are dispensed or sold as a primary sale item or used unlawfully;
14. Submit to such breath, saliva, urine, or other chemical analysis as requested to detect the possible presence of narcotics, alcohol, or other prohibited substances.
15. Promptly and truthfully answer all inquiries directed to him/her by any probation or parole officer;

150/ASS  
15

16. Attend and complete any special programs or counseling as directed by the Court or the supervising officer;

17. Pay the following to the Clerk of this Court:

a. Court Costs;

b. Fine in the amount of \$ 50,000<sup>00</sup>;

c. Crime Victim Compensation Fund in the amount of \$ \_\_\_\_\_;

d. Crime Lab Fee in the amount of \$ \_\_\_\_\_; made payable to \_\_\_\_\_

e. Transportation Costs to \_\_\_\_\_ County Sheriff's Department in the amount of \$ \_\_\_\_\_;

f. Restitution in the amount of \$ \_\_\_\_\_; made payable to \_\_\_\_\_

The defendant shall be required to comply with all the provisions of the sex offender registry laws § 45-33-1 et al

g. All assessments are due and payable at the rate of \$ 1000<sup>00</sup> <sup>one thousand</sup> per month beginning \_\_\_\_\_ or as follows 60 days after release from custody.

18. And further there is to be no direct or indirect contact with any of the victims or their families identified in the indictment. This shall be a condition of Post Release Supervision.

Upon successful completion of the period of reporting post release supervision, the Defendant shall serve the balance of the post release supervision, on non-reporting post release supervision, and during this period, the Defendant shall comply with the following terms and conditions:

1. Defendant shall not unlawfully use any controlled substance.
2. Defendant shall not unlawfully possess any controlled substance.
3. Defendant shall not own, carry, or conceal a firearm.
4. Defendant shall not commit any crime.
5. Defendant shall waive extradition back to the State of Mississippi.

IT IS FURTHER ORDERED that if the Defendant fails to successfully abide by all the terms and conditions of this sentence then upon five (5) days notice to the Defendant by the District Attorney or

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Probation Officer of a claimed violation the Court will conduct a hearing. If the claimed violation is proven, the Court will have authority to terminate the period of post release supervision and to incarcerate the Defendant. Procedures for termination and incarceration shall be conducted in the same manner as procedures for revocation of probation and imposition of a suspended sentence.

This sentence imposed shall run consecutive (concurrent) to any and all sentences previously imposed.

The Defendant shall be given credit for 139 days served in custody awaiting trial on this charge, as by law required.

SO ORDERED this the 3<sup>rd</sup> day of November, 2014.

  
CIRCUIT COURT JUDGE

A certified copy of this order has been delivered to the Defendant, who has been instructed regarding same.

DEFENDANT

415-59-8351  
SOCIAL SECURITY NUMBER

7/30/88  
DATE OF BIRTH

Black  
RACE

DEFENDANT'S ADDRESS

\_\_\_\_\_  
\_\_\_\_\_

POST RELEASE SUPERVISOR  
DEPARTMENT OF CORRECTIONS

\_\_\_\_\_  
PLACE OF BIRTH

Male  
SEX

DEFENDANT'S TELEPHONE

\_\_\_\_\_

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## **Record Excerpt 4**

IN THE CIRCUIT COURT OF PANOLA COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

STATE OF MISSISSIPPI

VS.

CAUSE NO. CR-2013-89-SM-P2  
COUNT 1

MARION O'BRYAN STRICKLAND  
African American/Male  
DOB: July 30, 1988  
SSN: 415-59-8351

**DENIAL OF POST-TRIAL MOTIONS and**  
**SENTENCE OF THE COURT**

COMES NOW the State of Mississippi through the Office of the District Attorney, and comes also the Defendant, Marion O'Bryan Strickland, in his own person and represented by Counsel, Randolph Walker, for the purpose of the defendant's post-trial motions and sentencing for the crime as convicted by a jury on October 15, 2014 of COUNT 1: EXPLOITATION OF A CHILD pursuant to M.C.A. Section 97-5-33(7) as amended.

Post trial motions having been previously filed by the defendant and heard today, the record made today being incorporated herein by reference, are found by the Court to all be without merit, and are accordingly denied *in toto*.

The Court then proceeded to sentencing, and being fully advised in the matter after hearing all argument and testimony offered by the State and defendant, pronounced the sentence against the defendant, Marion O'Bryan Strickland. Therefore,

**IT IS HEREBY ORDERED**, that the Defendant, Marion O'Bryan Strickland, be and is hereby sentenced to a term of forty (40) years in the Mississippi Department of Correction for the crime of **COUNT 1: EXPLOITATION OF A CHILD** pursuant to M.C.A. Section 97-5-33(7) as amended. Said sentence shall be served as follows: The first (20) twenty years shall be served incarcerated inside the Mississippi Department of Corrections. Upon completion of his period of incarceration and his release, the defendant's remaining twenty (20) years shall be in the Mississippi Department of Correction pursuant to the provisions of post-release supervision of MCA Section 47-7-34. The period of post-release supervision shall be served as follows: (5) five years of reporting post-release supervision followed by (15) fifteen years of non-reporting post-release supervision. All good behavior conditions and requirements of the Court's November 3, 2014 sentencing Order shall be incorporated herein and shall be terms of his post release supervision sentence.

Further, Defendant shall pay all costs of Court. The defendant shall be assessed a fine in the amount of \$50,000.00. Counts 2 and 3 shall be remanded. The defendant is hereby noticed and shall hereafter be required to comply with all the provisions of the sex offender registry laws of the State of Mississippi, MCA Section 45-33-1 etal as amended,

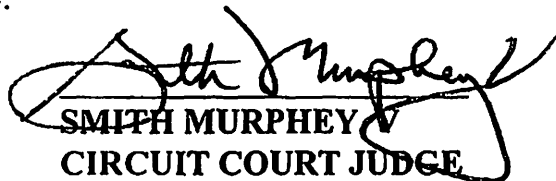
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and of the United States of America.

The Defendant, Marion O'Bryan Strickland, shall have thirty (30) days from the entry of judgment within which to file a notice of appeal if so desired pursuant to MRAP 3 and 4. Furthermore, pursuant to Mississippi Code Section 99-35-115, as amended, the Court finds that the Defendant, Marion O'Bryan Strickland, has not made the requisite notice, request, or showing for bail pending an appeal.

The Defendant shall be given 139 days credit for time served while awaiting trial, as required by law, and is remanded to the Sheriff of Panola County Mississippi to await immediate transportation to the Mississippi Department of Corrections. The Clerk shall send a copy of said Order to counsel of record for both parties, Jay Hale and Randolph Walker.

**SO ORDERED** this the 3<sup>rd</sup> day of November and entered nunc pro tunc this the 5<sup>th</sup> day of November, 2014.

  
SMITH MURPHEY  
CIRCUIT COURT JUDGE

# **Record Excerpt 5**



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PLAINTIFF

DEFENDANT

**MOTION TO WITHDRAW AS COUNSEL**

**APPEARANCES:**

Mr. Jay Hale  
Assistant District Attorney  
Post Office Box 1635  
Batesville, Mississippi 38606

Mr. Randolph Walker  
Attorney at Law  
Post Office Box 1492  
Corinth, Mississippi 38835

PLACE: Panola County Courthouse  
Batesville, Mississippi

**(IN OPEN COURT)**

BY THE COURT: The Court calls on  
for hearing Cause Number CR-2013-89-SM(P2),  
the State of Mississippi versus Marion  
O'Bryan Strickland.

Mr. Strickland, come forward, raise  
your right hand, and be sworn by the court  
clerk.

**(THE DEFENDANT IS DULY SWORN BY THE  
COURT CLERK)**

BY THE COURT: State your name.

BY THE DEFENDANT: Marion O'Bryan  
Strickland.

BY THE COURT: Okay. Mr.  
Strickland, you are here with your attorney  
Mr. Walker, Randolph Walker, and this matter  
was indicted June 26th of 2013 for alleged  
offences in January of 2013.

Since that time, your attorney Mr.  
Walker made an entry of appearance on  
October 30th of 2013 and a pretrial  
scheduling order was entered October 22nd of  
2013. Since that time, Discovery has been  
conducted, there have been a series of  
continuances, first on February 7th of 2014,  
and then again on March 6th of 2014.  
February set it for a March plea and trial  
date, March set it for May plea and trial  
date. May 20th of 2014 it was continued yet

1 again until July 24th, and August 4th of 2014  
2 it was continued yet again until today  
3 September 24th of 2014, and a trial date of  
4 October 13th of 2014.

5 The last continuance does reflect it  
6 to be a final continuance and that this case  
7 having a first priority setting for this term  
8 of court October 3rd.

9 What says the State?

10 BY MR. HALE: Your Honor, this is  
11 the plea day for Mr. Strickland today. I  
12 know Mr. Walker has a motion that he would  
13 like to bring before the Court, but this case  
14 was continued on our behalf last time due to  
15 a witness being out of town on vacation. I  
16 advised all of the victims, all of the  
17 witnesses in a witness conference last term  
18 that this would be a prime setting for  
19 October the 13th. So as far as the State is  
20 concerned, I still would have this listed as  
21 a prime trial for October 13th.

22 BY THE COURT: All right. So the  
23 State is ready for trial October 13th, 2014.

24 Mr. Walker, there is an August 25th,  
25 2014 Motion For Leave To Withdraw As Attorney  
26 For The Defendant that bears your signature,  
27 so you're recognized.

28 BY MR. WALKER: Thank you, Your  
29 Honor. As stated in the motion, there has

1 developed serious philosophical and tactical  
2 differences in terms of the handling of the  
3 case, and I have found Mr. Strickland to be  
4 cooperative, it's just that we do have some  
5 serious differences, and I feel that it's in  
6 his best interest that he have counsel that's  
7 more in tune with the way he sees this case  
8 and how he wants it handled.

9 At the time I was retained to  
10 represent Mr. Strickland in late October of  
11 2012, he was incarcerated and he was  
12 incarcerated for quite some time. I was  
13 retained by his mother, and since he was  
14 released, I have discussed on several  
15 occasions with him that he had the right to  
16 get his own counsel and so forth, and there's  
17 just been somewhat of an uneasy relationship  
18 and I feel it's in his best interest that he  
19 does get somebody else to represent him.

20 I will cooperate fully with anybody  
21 else that he gets, I will make everything  
22 that I have available to that individual and  
23 also to Mr. Strickland, but I think that this  
24 is his case, this is his life, and I think he  
25 needs to be represented by someone where the  
26 lawyer and the client are on the same page,  
27 and I don't think that I am and I've told  
28 that to him.

29 BY THE COURT: What about it, Mr.

1 Strickland?

2 BY THE DEFENDANT: I believe that  
3 Mr. Walker and I have different perspectives  
4 on how to present my case, and I feel like  
5 that for my best interest that I should have  
6 someone else to represent me so that he or  
7 she could possibly be able to see where I'm  
8 coming from and defend me in the matter that  
9 I feel fits me.

10 BY THE COURT: Well, your trial is  
11 October 13th.

12 BY THE DEFENDANT: So --

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13 BY THE COURT: Your trial is  
14 October 13th. You can bring in 50 lawyers if  
15 you want to, but they are going to be here  
16 October 13th.

17 BY THE DEFENDANT: So what if I  
18 can't retain a lawyer by the 13th of October?

19 BY THE COURT: Well, you've got a  
20 lawyer, you've got a lawyer, but you know,  
21 this comes to the Court on Mr. Walker's  
22 motion. What you've just said to me is, you  
23 know, your position, and you obviously have  
24 the means and the ability to hire a lawyer,  
25 right?

26 BY THE DEFENDANT: Yes, sir.

27 BY THE COURT: Okay. So you're not  
28 going to have one appointed for you, whether  
29 -- I mean, Mr. Walker's request to be

1 relieved of counsel is going to be denied.

2 Now how you want to use him, how you  
3 want to have him assist you will be up to  
4 you, but he will be here during that trial,  
5 and like I said, if you want to hire somebody  
6 else to help you, feel free to do so, but  
7 whoever you hire, make sure you understand  
8 that you tell them that they are going to be  
9 here October 13th.

10 BY THE DEFENDANT: So I don't have  
11 the funds any more. I've paid him all the  
12 funds that I have. So I can't have a public  
13 defender?

14 BY THE COURT: Oh, now you're broke.

15 BY THE DEFENDANT: Yes, sir, I'm  
16 definitely broke.

17 BY THE COURT: Now you're broke.  
18 Well, see, I just already asked that question  
19 to you and you said that you had the means --

20 BY THE DEFENDANT: To pay for him.

21 BY THE COURT: No, no, no, no, no.

22 BY THE DEFENDANT: I don't have any  
23 more funds or means to pay for another  
24 attorney.

25 BY THE COURT: Well, see, that's not  
26 what you just told me.

27 BY THE DEFENDANT: Maybe I did  
28 misunderstood what you were asking, but I  
29 thought that you asked did I have the means

1 to pay for an attorney, and I did; I paid for  
2 one.

3 BY THE COURT: No, I didn't say had;  
4 I said have.

5 BY THE DEFENDANT: Well, I'm sorry;  
6 I misunderstood.

7 BY THE COURT: And you said have.

8 BY THE DEFENDANT: I don't have the  
9 funds at all.

10 BY THE COURT: Okay. Well, you got  
11 Mr. Walker.

12 BY THE DEFENDANT: So I have no  
13 other choice but to keep him? I can't have  
14 the constitutional right to have a lawyer  
15 that's going to represent me that I feel that  
16 has my best interests at heart?

17 BY THE COURT: Well, how were you  
18 going to hire a lawyer?

19 BY THE DEFENDANT: I wasn't going to  
20 hire a lawyer.

21 BY THE COURT: Yes, you were.

22 BY THE DEFENDANT: I was going to  
23 ask for a public defender.

24 BY THE COURT: So you want a public  
25 defender too?

26 BY THE DEFENDANT: Yes, sir.

27 BY THE COURT: See, it wasn't until  
28 I denied Mr. Walker's request to get off your  
29 case so you could, quote, "hire a lawyer,"

1           that you then said that you didn't have the  
2           money to hire a lawyer.

3                   BY THE DEFENDANT: But I had already  
4           spoken with him and he can vouch for that  
5           that I was going to request for a public  
6           defender. I'm sorry I misunderstood what you  
7           were asking.

8                   BY THE COURT: Well, you've got a  
9           lawyer. And you have got a \$20,000 bond,  
10          right?

11                   BY THE DEFENDANT: (Defendant nods).

12                   BY THE COURT: I need an answer.

13                   BY THE DEFENDANT: Yes, sir.

14                   BY THE COURT: What's your current  
15          address, Mr. Strickland?

16                   BY THE DEFENDANT: 1604 Meg Street;  
17          Corinth, Mississippi 38834.

18                   BY THE COURT: So What is 10  
19          Pleasant Street; Savannah, Tennessee?

20                   BY THE DEFENDANT: My grandmother's  
21          residence.

22                   BY THE COURT: Okay. So you live in  
23          the same town that your lawyer lives in,  
24          right?

25                   BY THE DEFENDANT: Yes, sir.

26                   BY THE COURT: Okay. As far as  
27          procedurally, Mr. Walker, the request for  
28          leave to withdraw will be denied.

29                   Mr. Strickland, your trial is



1           October 13th, all right? If you want to hire  
2           somebody, you are free to hire whomever you  
3           want; otherwise, you'll be here with your  
4           attorney Mr. Walker who has been working on  
5           this thing for well in excess of a year, and  
6           the transcripts are all here.

7                        So is there anything that you did  
8           not understand?

9                        BY THE DEFENDANT: No, sir.

10                      BY THE COURT: Anything further from  
11           the Defense, Mr. Walker?

12                      BY MR. WALKER: I have nothing  
13           further, Your Honor.

14                      BY THE COURT: Anything further from  
15           the State?

16                      BY MR. HALE: No, sir, Your Honor.

17                      BY THE COURT: I want to go ahead  
18           and advise you, Mr. Strickland, that your  
19           trial date is October 13th of 2014, right?

20                      BY THE DEFENDANT: Yes, sir.

21                      BY THE COURT: Okay. Tell me your  
22           trial date.

23                      BY THE DEFENDANT: October 13th,  
24           2014.

25                      BY THE COURT: Nine a.m.

26                      BY THE DEFENDANT: Nine a.m.

27                      BY THE COURT: Here at the  
28           Batesville Courthouse.

29                      BY THE DEFENDANT: Here at the

1 Batesville Courthouse.

2 BY THE COURT: If you fail to appear  
3 at that time, Mr. Strickland, the first thing  
4 I'm going to do is I'm going to issue a bench  
5 warrant for your immediate arrest, okay, if  
6 you fail to appear? In the event that you  
7 fail to appear, you having been specifically  
8 notified of the date, time, and place where  
9 your trial will take place, in the event that  
10 you fail to appear, you will be tried in  
11 absentia, that means in your absence; do you  
12 understand that?

13 BY THE DEFENDANT: Yes, sir.

14 BY THE COURT: Anything else?

15 BY THE DEFENDANT: Nothing else.

16 BY THE COURT: Okay. That will be  
17 all on the record.

18 BY MR. WALKER: Your Honor, do I  
19 need to provide you with an order denying my  
20 motion?

21 BY THE COURT: If you'd like, yes,  
22 sir.

23 BY MR. WALKER: I'll have to e-mail  
24 it to the court administrator when I get back  
25 to the office, which will probably be  
26 tomorrow.

27 BY THE COURT: Okay.

28 BY MR. WALKER: Thank you.

29 **(PROCEEDINGS CONCLUDED)**

## **Record Excerpt 6**

P R O C E E D I N G S

(THE FOLLOWING PROCEEDINGS TOOK PLACE IN CHAMBERS OUTSIDE THE PRESENCE OF THE TRIAL JURY. THE DEFENDANT WAS PRESENT WITH HIS ATTORNEY.)

THE COURT: The record will reflect that we are in chambers. It is Tuesday, October 14th, 2014, 8:30 a.m.

At the conclusion of court yesterday there was an in limine evidentiary hearing regarding evidence that the State proposed to produce to the jury concerning acts of the defendant pertaining to Matt Jones and Hunter Durham. The State proposed that the manner and the plan and the preparation of his conduct with those two individuals was properly admissible under 404(b) to show proof of motive, opportunity, intent, preparation, plan, knowledge of the defendant. And the court ruled that it would be properly admissible under 404(b). I did, in fact, and do now also filter that conduct through 403. I do find that it passes 403 and is not prohibited by 403.

Likewise, I wanted to advise the parties in chambers that pursuant to *Gore v. State*, 37 So.3d 1178, 1184, and *Green v. State*, 89 So.3d 543, 552, that in the event and if the State does present

1 testimony of Matt Jones and Hunter Durham,  
2 that at the conclusion of each of their  
3 testimony, the court will read a cautionary  
4 instruction, which will read as follows: The  
5 defendant Marion O'Bryan Strickland is  
6 charged with exploitation of a child Kyle  
7 Weaver. You have heard evidence about the  
8 defendant's acts with other individuals, Matt  
9 Jones and Hunter Durham, about which the  
10 defendant is not on trial before you. You  
11 are not to consider these acts as evidence  
12 that the defendant committed the crime for  
13 which he is now charged against Kyle Weaver.  
14 You may consider the other acts with Matt  
15 Jones and Hunter Durham for the limited  
16 purpose of establishing proof of motive,  
17 opportunity, identity, intent, plan,  
18 preparation, or knowledge. You cannot and  
19 must not simply infer that the defendant  
20 acted in conformity with his previous acts  
21 and that he is therefore guilty of the charge  
22 for which he is presently on trial, end of  
23 quote.

24 So I wanted to advise the parties  
25 that that would be taking place. And I  
26 believe that that is in conformity with the  
27 case law I've so cited.

28 I also wanted to make sure that the  
29 record was clear that there would not be

1 permitted any testimony concerning any  
2 alleged inappropriate conduct of the  
3 defendant while at Delta State.

4 MR. HALE: No, sir.

5 THE COURT: Which I believe was  
6 alluded to by the investigator and  
7 Mr. Douglas, but I just wanted to make sure  
8 that the record was clear that the court was  
9 not permitting any testimony concerning --  
10 and, again, there really was not any  
11 elaboration or proffer of what those  
12 specifics -- alleged specifics were  
13 concerning the defendant while at Delta State  
14 while he was in college prior to him becoming  
15 a teacher at South Panola High School. So I  
16 just wanted to make sure that that was clear  
17 on the record.

18 MR. HALE: And I'll make sure I  
19 clear that with Tim Douglas.

20 THE COURT: Okay. Okay.

21 MR. HALE: If the court will give me  
22 -- after the three boys testify, just give me  
23 a little time to let Tim know --

24 THE COURT: Okay.

25 MR. HALE: -- his parameters.

26 THE COURT: Now, and I did rule that  
27 Braiden Scott will not be --

28 MR. HALE: Braiden Scott, I've sent  
29 him home.

1 THE COURT: -- a witness in this  
2 matter, as far as the State's case in chief  
3 for certain.

4 But the court's rulings here on this  
5 matter are done following the mandates of  
6 *Derouen* -- that's D-E-R-O-U-E-N -- v. *State*,  
7 994 So.2d 748, a 2008 case; *Gore v. State*,  
8 37 So.3d 1178, Supreme Court 2010 case;  
9 *Green v. State*, 89 So.3d 543, a Supreme Court  
10 2012 case; *Young v. State*, 106 So.3d 775, a  
11 2013 case; *Westbrook v. State*, Court of  
12 Appeals, 109 So.3d 609; *O'Connor v. State*,  
13 Supreme Court case, 120 So.3d 390; and  
14 *Cole v. State*, Supreme Court, December 2013  
15 case, 126 So.3d 880.

16 Is there anything else that needs to  
17 be covered on the record before we begin  
18 opening statements?

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19 MR. HALE: No, Your Honor.

20 MR. WALKER: None, Your Honor.

21 THE COURT: Okay. Anything,  
22 Mr. Strickland, that -- you understand that  
23 I'm making sure that you have your voice.  
24 You have certainly your attorney Mr. Walker  
25 here. But is there anything in your  
26 representation of that you feel is necessary  
27 for the record?

28 DEFENDANT STRICKLAND: No, sir.

29 THE COURT: Okay. All right. We

## **Record Excerpt 7**



**CERTIFICATE OF SERVICE**

I, R. Shane McLaughlin, attorney for the Appellant in the above styled and numbered cause, do hereby certify that I have this day mailed a true and correct copy of **Appellant's Record Excerpts** to all counsel of record and the Trial Court Judge by placing said copy in the United States Mail, postage-prepaid, addressed as follows:

**Hon. Smith Murphey V  
Chancellor  
Post Office Box 481  
Batesville, Mississippi 38606**

**Jim Hood  
John R. Henry, Jr.  
Office of the Attorney General  
Post Office Box 220  
Jackson, Mississippi 39205**

This, the 17th day of July, 2015.

/s/ R. Shane McLaughlin

## **Record Excerpt 8**

**CERTIFICATE OF FILING**

I, R. Shane McLaughlin, attorney for the Appellant in the above styled and numbered cause, do hereby certify, pursuant to Miss. R. App. P. 25(a), that I have this day filed **Appellant's Record Excerpts** via the Court's MEC e-filing system.

This, the 17th day of July, 2015.

/s/ R. Shane McLaughlin